

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3566 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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KV MEHTA

Versus

DIST. RURAL DEVELOPMENT AGENCY & ANR.

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Appearance:

MR BN PATEL for the Petitioner

MR SV PARMAR for Respondent No. 1

None present for Respondent No. 2

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 31/08/96

ORAL JUDGEMENT

1. Heard learned counsel for the parties. The petitioner, a Chartered Accountant, Proprietor of K.V. Mehta & Company, filed this writ petition before this Court and prayed therein for issuance of appropriate writ order or direction, quashing and setting aside the appointment of the respondent no.2, made by the respondent no.1 for its audit work for the year 1982-83,

and further prayer has been made for direction to the respondent no.1 to give the appointment to the petitioner for the said work. It is not a case of appointment in a public employment. It is a case where the respondent no.1, District Rural Development Agency had to engaged a professional to render its professional services to it.

2. The learned counsel for the petitioner is unable to cite any provision under which the respondent no.1 has to follow the procedure as suggested in the writ petition for taking of the professional services of a Chartered Accountant for its audit work. Article 14 of the Constitution of India is not attracted in the present case. As stated earlier it is not a case of appointment in a public employment. Rather whosoever needs this professional service of the Chartered Accountant, he should have an option and liberty to get the person to whom it considers to be the best suited person for its audit work. For this purpose, I fail to see how it is obligatory on the part of respondent no.1 to call the applications from the open market to make the selection. It is a choice of the person who seeks the professional services of a professional. Otherwise also now the term for which the professional services of respondent no.2 taken by the respondent no.1 has already come to an end, and as such this writ petition has otherwise become infructuous also. Moreover, none of the legal or fundamental right of the petitioner is infringed. This writ petition is wholly misconceived.

3. In the result, this writ petition fails and the same is dismissed. Rule discharged. No order as to costs.

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